

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

8 ROBERT GREG GALLAGHER,)
9 BETTY FRANKLIN,)
10 Plaintiffs,)
11 vs.) ORDER
12 CRYSTAL BAY CASINO, LLC,)
13 ROGER WILLIAM NORMAN,)
14 VENTRCEK ADVERTISING DESIGN,)
15 Defendants.)

15 Plaintiff's Motion in Limine #94 filed on August 15, 2011, is
16 **GRANTED** as follows:

17 1. Plaintiffs' motion to exclude evidence at trial of
18 Plaintiff Robert Greg Gallagher's prior felony conviction
19 is **GRANTED**, unless Plaintiffs open the door to such
20 evidence during the trial, and Defendants satisfy the
21 requirements of Fed. R. Evid. 609(b) for admission of the
22 time limited evidence.

24 2. Plaintiffs' motion to exclude at trial exhibits
25 Defendants' Exhibit D 508 (a newspaper article about Mr.
26 Gallagher) and Defendants' Exhibit D 509 (a civil
27 judgment entered against Mr. Gallagher in Oregon) is
28 **GRANTED**. However, this order is entered subject to the
following conditions. The Court has not had an

1 opportunity to examine the article or judgment. Neither
2 of these documents appears to be admissible as such.
3 They are hearsay not subject to any disclosed exception.
4 If the article or judgment reveal specific instances of
5 conduct with respect to Mr. Gallagher's character for
6 truthfulness, he may be examined concerning such conduct
7 on cross examination if he testifies as a witness at
8 trial. Also a character witness for Mr. Gallagher may
9 also be cross-examined as to such conduct of Mr.
10 Gallagher at trial.

11 Prior to presentation of such testimony at the
12 trial, Defendants shall request a sidebar conference so
13 that the Court may examine such documents and counsel may
14 be heard. The alleged false representations by
15 Defendants regarding Elvis Presley memorabilia do appear
16 tentatively to refer to character for untruthfulness. A
17 false promise to repay a bank loan could raise issues for
18 the Court to consider.

19 Dated this 2nd day of September 2011.

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22 EDWARD C. REED
23 Senior United States District Judge
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